

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

ESPERONDA BAKER

PLAINTIFF

V.

CIVIL ACTION NO.: 1:09CV36-SA-JAD

ROGERS LEE HOLMAN, in his individual capacity, CITY OF OKOLONA, MISSISSIPPI and CNA SURETY CO. a/k/a WESTERN SURETY CO.

DEFENDANTS

ORDER DENYING FIRST MOTION
FOR DEFAULT AS TO DEFENDANT ROGERS LEE HOLMAN

A hearing was held before the Court on Plaintiff's First Motion for Default Judgment as to Defendant Rogers Lee Holman [28]. Defendant Holman appeared and testified that he had not properly been served with process. Holman expressed his desire to file an Answer to the Complaint. The Court instructed Holman to immediately seek counsel and file his Answer.

Based on the testimony at the hearing, the Court finds Plaintiff's First Motion for Default as to Defendant Rogers Lee Holman [28] is not well taken and is denied.

SO ORDERED, this the 12th day of February, 2010.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE